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2           **RECEIVED**  
3           Western District of Washington  
4           at Seattle

5           **JUN 30 2020**

6           **MARK L. HATCHER, CLERK**  
7           **OF THE BANKRUPTCY COURT**

Honorable Christopher M. Alston  
Chapter: 7  
Date: 7/23/2020  
Place: Telephonic  
Time: 11:00 a.m.  
Response Date: 7/14/2020

8           IN THE UNITED STATES BANKRUPTCY COURT FOR THE  
9           WESTERN DISTRICT OF WASHINGTON AT SEATTLE

10          RIPTIDE, LLC

Chapter 7

11          Debtor,

12          BANKRUPTCY ESTATE OF RIPTIDE, LLC

Bankruptcy No. 19-12520-CMA

13          RONALD G. BROWN TRUSTEE,

14          Plaintiff,

ADVERSARY NO. 20-01027-CMA

15          v.

16          JOHN HOSS, a married individual

NOTICE OF MOTION AND MOTION FOR ORDER  
TO VACATE ORDER OF DEFAULT AND  
DEFAULT JUDGMENT FOR TURNOVER

17          Defendant

18          TO:           THE UNITED STATES BANKRUPTCY COURT CLERK  
19          TO:           RONALD G. BROWN, PLAINTIFF  
20          TO:           RORY C. LIVESEY, ATTORNEY FOR PLAINTIFF

21          PLEASE TAKE NOTICE that the Motion for Order Vacating Order of Default (ECF No. 8) and Default  
22          Judgement for Turnover (ECF No. 10) ("Motion") set forth below has been filed by John Hoss ("Defendant"), and  
23          IS SET FOR HEARING as follows:

24          JUDGE: Christopher M. Alston  
25          PLACE: Telephonic

TIME: 11:00 a.m.  
DATE: 7/23/20

26          The Phone instruction are as follows:  
27          Dial: 1-888-363-4749  
28          Enter Access Code: 8955076#  
29          Press the # sign  
30          Enter Security Code when prompted: 3564#  
31          Speak your name when prompted.

32          ADVERSARY NO. 20-01027-CMA NOTICE OF MOTION AND MOTION FOR ORDER TO VACATE ORDER  
33          OF DEFAULT AND DEFAULT JUDGMENT FOR TURNOVER - 1

1 IF YOU OPPOSE the granting of the relief requested in the Motion, you must file your written response with the  
2 court clerk, and deliver copies to the Defendant at 4825 240<sup>th</sup> Ave SE, Issaquah, WA 98029, NOT LATER THAN  
THE RESPONSE DATE, which is 7/14/20.

3 IF NO RESPONSE IS TIMELY FILED AND SERVED, the court may, in its discretion, GRANT THE  
MOTION BEFORE THE HEARING, WITHOUT FURTHER HEARING, and strike the hearing  
4

5 MOTION

6 COMES NOW the defendant, pro se, moves this court for an order to vacate order of default and to vacate default  
judgment for turnover. This motion is based upon the records and files herein and the attached statement and  
7 exhibits.

8 The answer for the above referenced adversary proceeding was due to plaintiff on April 30, 2020. The answer,  
9 mediation certification and defendants consent for final adjudication were USPS mailed and emailed to counsel for  
the trustee and USPS mailed to the court on May 8, 2020 and are now shown in the case filed under doc 12 and 13.  
10

11 I pray for the court vacate these Orders to afford me the opportunity to properly answer and defend the case against  
me.  
12

13 RESPECTFULLY SUBMITTED this 24<sup>th</sup> day of June, 2020  
14

15 /S/ John Hoss  
16

17 John Hoss, pro se  
Defendant  
18

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28 ADVERSARY NO. 20-01027-CMA NOTICE OF MOTION AND MOTION FOR ORDER TO VACATE ORDER  
OF DEFAULT AND DEFAULT JUDGMENT FOR TURNOVER - 2

1 STATEMENT.

2 The undersigned states the following under penalty of perjury:

3 1. I am the defendant in the above-entitled action.

4

5 2. On May 7, 2020 my electronic calendar alert went off reminding me to prepare for the pre-trial conference  
6 scheduled with Judge Alston on May 8, 2020 at 9 a.m. In reviewing the summons I was surprised to learn I was  
7 required to file an answer in addition to appearing at the pretrial conference. I immediately emailed the counsel for  
the trustee alerting him to my oversight and a true and correct copy of the email is attached to this statement as  
Exhibit A.

8

9 3. The answer, mediation certification and defendants consent for final adjudication were USPS mailed emailed to  
counsel for the trustee and USPS mailed to the court on May 8, 2020 and are now shown in the case filed under doc  
12 and 13.

10

11 4. I married Trisha Hoss on December 29, 2008. A true and correct copy of our marriage certificate is attached to  
this statement as Exhibit B.

12 5. Trisha Hoss currently resides in the property and has done so continuously since September of 2005.

13 6. Trisha Hoss paid to have the kitchen remodeled in 2006 in the amount of \$75,000 and helped make mortgage  
14 payments for over 10 years.

15 7. Trisha Hoss did not join in or acknowledge the execution of the 2019 deed to RIPTIDE LLC.

16 DATED this 24th day of June, 2020.

17 /S/ John Hoss

19 \_\_\_\_\_  
John Hoss, pro se  
Defendant

Exhibit A



john hoss <john.r.hoss@gmail.com>

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**Brown v Hoss**

1 message

john hoss <john.r.hoss@gmail.com>  
To: Rory Livesey <Rory@liveslaw.com>

Thu, May 7, 2020 at 10:48 PM

Hi Rory,

I was planning on dialing into a pretrial conference with the judge tomorrow.

As I was reviewing the motion I went online and noticed the hearing had been stricken and you have presented the court with an order for default. I have not received notice of any kind, mail email or otherwise regarding the default. I am surprised you had not afforded me the courtesy of notice by email, mail or telephone.

Rory I received your complaint in the mail, not served, and put Pretrial Conference on my calendar with Judge Alston for May 8.

Now tonight as I pull out the complaint to prepare for the call I see the other page you sent that said I have to file a response in 35 day or risk being defaulted out.

I am prepared to proceed with the call tomorrow. Or in the alternative could you afford me the opportunity to file a proper answer to the complaint. I do not intend to take a default on this matter.

Kind Regards,

John Hoss  
206-617-6996

Exhibit B

JOHN HOSS  
TRISHA HOSS  
4825 240TH AVENUE SE  
ISSAQAH, WASHINGTON 98029

CERTIFICATE OF MARRIAGE

STATE OF HAWAII  
DEPARTMENT OF HEALTH

NAME OF GROOM  
JOHN ROBERT HOSS



CERTIFICATE NO 151 2008 - 025286

DATE OF BIRTH  
November 24, 1969

PLACE OF BIRTH  
SEATTLE, WASHINGTON

FATHER'S NAME  
ROBERT WESLEY HOSS

STATE OR COUNTRY OF BIRTH  
WASHINGTON

MOTHER'S MAIDEN NAME  
MERRILOU CAMILLE ARCHER

STATE OR COUNTRY OF BIRTH  
WASHINGTON

NAME OF BRIDE  
TRISHA LYNN AUNE

DATE OF BIRTH  
September 29, 1967

PLACE OF BIRTH  
ONSLOW, NORTH CAROLINA

FATHER'S NAME  
TERRY KEITH BARNETT

STATE OR COUNTRY OF BIRTH  
ILLINOIS

MOTHER'S MAIDEN NAME  
SANDRA KATHERINE GIARDINA

STATE OR COUNTRY OF BIRTH  
ILLINOIS

GROOM'S DECLARED MIDDLE NAME(S)  
ROBERT

BRIDE'S DECLARED MIDDLE NAME(S)  
LYNN

GROOM'S DECLARED SURNAME  
HOSS

BRIDE'S DECLARED SURNAME  
HOSS

DATE OF MARRIAGE  
December 29, 2008

PLACE OF CEREMONY  
RITZ CARLTON-KAPALUA

DATE ACCEPTED BY STATE REGISTRAR  
January 8, 2009

COUNTY  
MAUI

ISLAND  
MAUI

OHSM 5.1 (Rev.10/08) LASER This copy serves as prima facie evidence of the fact of marriage in any court proceeding. [HRS 572-13(c), 338-13(b)]

ANY ALTERATIONS INVALIDATE THIS CERTIFICATE

1 Honorable Christopher M. Alston  
2

3 IN THE UNITED STATES BANKRUPTCY COURT FOR THE  
4 WESTERN DISTRICT OF WASHINGTON AT SEATTLE

5 RIPTIDE, LLC

Chapter 7

6 Debtor,

7 BANKRUPTCY ESTATE OF RIPTIDE, LLC

Bankruptcy No. 19-12520-CMA

8 RONALD G. BROWN TRUSTEE,

9 Plaintiff,

ADVERSARY NO. 20-01027-CMA

10 v.

11 JOHN HOSS, a married individual

12 Defendant

DECLARATION OF MAILING

14 I, John Hoss, declare and state as follows: 1. I am a citizen of the United States, over the age of 21  
15 years. 2. On the 24<sup>th</sup> day of June, 2020, I caused to be mailed by first class mail, postage prepaid, a copy of (1)  
16 NOTICE OF MOTION AND MOTION FOR ORDER TO VACATE ORDER OF DEFAULT AND DEFAULT  
17 JUDGMENT FOR TURNOVER: Rory C. Livesey 600 Stewart Street, Suite 1908 Seattle, WA 98101  
18

19 I declare under penalty of perjury that the foregoing is true and correct. DATED this 24th day of June, 2020.  
20

22 /S/ John Hoss

23 \_\_\_\_\_  
John Hoss

25 RECEIVED  
Western District of Washington  
26 at Seattle

27 JUN 30 2020

28 MARK L. HATCHER, CLERK  
OF THE BANKRUPTCY COURT

ADVERSARY NO. 20-01027-CMA DECLARATION OF MAILING - 1